

**BEFORE THE  
FEDERAL ELECTION COMMISSION**

American Democracy Legal Fund  
455 Massachusetts Avenue, N.W.  
Washington, DC 20001

2015 JUN 30 PM 1:39

OFFICE

Complainant,

v.

Dr. Ben Carson  
1800 Diagonal Road, Suite 140  
Alexandria, VA 22314

**MUR # 6947**

Respondent.

**COMPLAINT**

Complainant files this complaint under 52 U.S.C. § 30109(a)(1) against Dr. Ben Carson (Respondent) for violating the Federal Election Campaign Act of 1971, as amended ("the Act") and Federal Election Commission regulations, as described below.

**A. FACTS**

Dr. Ben Carson formally announced his intention to seek the Republican nomination for president on May 4, 2015.<sup>1</sup> According to Commission records and media reports, at least two independent expenditure-only committees, or "super PACs," have been formed to support his candidacy.<sup>2</sup> In August of 2013, the National Draft Ben Carson for President Committee was

<sup>1</sup> Ben Terris, *Ben Carson announces presidential campaign*, WASH. POST, May 3, 2015, <http://www.washingtonpost.com/blogs/post-politics/wp/2015/05/03/ben-carson-to-announce-presidential-campaign-monday/>.

<sup>2</sup> See Robert Costa and Philip Rucker, *Ben Carson's campaign faces turmoil amid staff exits and super PAC rivalry*, WASH. POST, June 5, 2015, [http://www.washingtonpost.com/politics/ben-carsons-campaign-faces-turmoil-after-staff-exits-and-super-pac-chaos/2015/06/05/ee08f9b2-0ba8-11e5-a7ad-b430fc1d3f5e\\_story.html?hpid=z2](http://www.washingtonpost.com/politics/ben-carsons-campaign-faces-turmoil-after-staff-exits-and-super-pac-chaos/2015/06/05/ee08f9b2-0ba8-11e5-a7ad-b430fc1d3f5e_story.html?hpid=z2); see also National Draft Ben Carson for President Committee, FEC Committee ID: C0054820; One Vote, FEC Committee ID: C00574277.

formed, and in March of 2015 a committee named One Vote filed with the Commission.<sup>3</sup>

However, according to Doug Watts, a Carson campaign spokesman, Dr. Carson has sought to direct his donors to contribute to One Vote PAC as the “unofficially sanctioned” super PAC of the Carson campaign.<sup>4</sup> In addition, as the preferred super PAC of the Carson campaign, again according to Mr. Watts, Dr. Carson has been inviting his supporters to “make their excess contributions” to One Vote.<sup>5</sup>

## B. LEGAL ARGUMENT

The Act prohibits federal candidates, their agents, and entities established, financed, maintained, or controlled by candidates from soliciting or receiving funds in connection with any election outside of the federal contribution and source limits.<sup>6</sup> Under Commission rules a federal candidate may only solicit up to \$5,000 per calendar year from federally permissible sources—such as an individual, partnership, or a traditional federal PAC—for a super PAC.<sup>7</sup>

Solicitations need not be explicit. For instance, statements such as “You have reached the limit of what you may contribute directly to my campaign, but you can further help my campaign by assisting the State party” or “Giving to Group X would be a very smart idea” are solicitations, as are more explicit statements such as “Please give \$100,000 to Group X.”<sup>8</sup>

Here, according to a Carson campaign spokesman, Dr. Carson, or Mr. Watts acting as his agent, has engaged in explicit solicitation of funds in excess of the limits and/or source

<sup>3</sup> FEC Committee ID: C0054820, Statement of Organization filed Aug. 21, 2013; FEC Committee ID: C00574277, Statement of Organization filed March 17, 2015.

<sup>4</sup> Robert Costa and Philip Rucker, *Ben Carson's campaign faces turmoil amid staff exits and super PAC rivalry*, WASH. POST, June 5, 2015.

<sup>5</sup> *Id.*

<sup>6</sup> 52 U.S.C. § 30125(e); see also FEC Advisory Opinion 2011-21 (Lee).

<sup>7</sup> See FEC Advisory Opinion 2010-11 (Commonsense Ten).

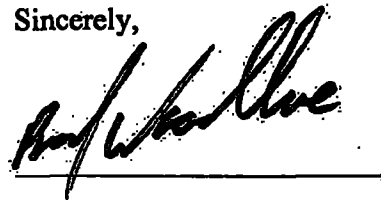
<sup>8</sup> 11 C.F.R. § 300.2(m)(2).

restrictions of the Act for the Carson-affiliated super PAC, One Vote. Additionally, the Carson campaign's designation of an independent expenditure only committee as the campaign's preferred destination for "excess contributions" is a flagrant violation of the Act and Commission regulations.

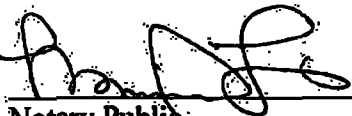
**C. REQUESTED ACTION**

As shown, Respondent Dr. Carson has violated the Act and Commission regulations by soliciting funds in violation of the Act. We respectfully request that the Commission promptly investigate these violations, and that Respondents be enjoined from further violations and be fined the maximum amount permitted by law.

Sincerely,



SUBSCRIBED AND SWORN to before me this 18 day of June, 2015.

  
Notary Public

My Commission Expires:

JAN 14, 2020